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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,362	12/05/2000	Itzhak Shoher	SHO-2000-4	3707

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/729,362

Applicant(s)

SHOHER, ITZHAK

Examiner

Sam Rimell

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

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35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-9 are rejected under 35 U.S.C. 101 because the claimed invention is inoperable.

Claim 8: Claim 8 defines a "modem internal or external of a browser". Since a browser is an element of software, a modem cannot literally be "internal" of the browser, although it can be external of the browser. Accordingly, the requirement for a modem "internal" to the browser defines an inoperable invention. It is noted that the claimed invention as described would be operable if this issue is clarified by additional amendment.

Claim 9: Depends on claim 8.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al. (U.S. Patent 6,097,374) in view of Official Notice.

Claim 6: Reference is made to FIG. 2. The system of FIG. 2 is essentially a base station that includes a wireless keyboard and a video monitor (14). The base station can communicate with a first remote computer (not shown in FIGS. 1-2) via a modem (59---col. 11, lines 1-7). The first computer is at a first remote location. The base station, with its wireless keyboard and video monitor are at the second location.

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The keyboard that is used at the base station (second location) is an optical wireless keyboard that forms the keyboard processing unit. The A/D converter (25) is an ASCII encoder since it encodes ASCII standard characters typed into the keyboard into digital data. The D/A converter (23) is a decoder since it decodes digital signals back into analog form. The wireless communicating device is the RF transmission system (33, 34, 36, 37, 28—also col. 9, lines 36-37) which is part of the optical keyboard. A modem (59—col. 11, lines 1-7) exists to communicate with the first computer.

Howard differs in that the base station does not incorporate a browser so that items displayed on the video monitor (14) are controlled by a browser. Howard also does not disclose the communications network as being the Internet. However, Examiner takes Official Notice that both browsers and the Internet itself were well and in worldwide use at the time of applicant's invention.

It would have been obvious to one of ordinary skill in the art to modify the base station of FIG. 2 of Howard to include browser software so as to permit selective display of data on the video monitor (14). It would have been obvious to one of ordinary skill in the art to deploy the Internet as the communication medium for communicating between the first computer and the base station since the Internet is both economical to use and widely available.

Claim 7: Howard illustrates a video monitor (14) as part of the base station. No patentable distinction is found to exist between a "TV" and a "video monitor" since a television is in fact a video monitor. Howard further discloses an RF transmitter (34, also see col. 9, lines 36-37) and modulator (33) in the keyboard processor.

Remarks

Applicant's remarks have been considered. Claim 8 has been rejected under 35 USC 101 due to an issue of operability. Claim 9 depends on claim 8.

Claims 6-7 have not been amended, and thus the rejection applied from the previous office action of September 14, 2005 has been re-applied in this action.

Applicant's arguments in reference to claims 6-7 are to the effect that optical keyboard of Howard is not at or part of the base station, and accordingly, the two devices cannot be recited as being at the same location (i.e. the second location). While this argument is fully understood, examiner does not agree with this conclusion. Examiner maintains that every element shown in FIG. 2 can be defined as being the second location, and that there is no logical prohibition to defining the optical keyboard as not being at the second location, merely because it is not integrated into the base station. If the requirement for a "second location" be that every element at that location be hard integrated together into a single unit, than applicant's own invention would not meet this test. For example, at applicant's defined "second location" in claim 8, there are 8 separately defined elements, some of which are not even wired together. In claim 6, there are 6 separately defined elements at the second location, some of which are not wired together. Accordingly, applicant's own invention does not define a single "second location".

Examiner maintains that a given location may contain multiple elements, and that the reference to "first location" and "second location" are references to locations separated by the Internet network. The elements of the Howard reference define first and second locations in this manner.

This action follows the filing of an RCE request and is made non-final.

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
Art Unit 2164